

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

SONNY LAUREN HARMON,)	
)	
Petitioner,)	
)	
vs.)	No. CIV-10-16-C
)	
JUSTIN JONES, DIRECTOR,)	
)	
Respondent.)	

ORDER ADOPTING REPORT AND RECOMMENDATION

Petitioner, a state prisoner, proceeding pro se, filed a Petition for Habeas Corpus relief pursuant to 28 U.S.C. § 2254 challenging his state court convictions on various grounds. Consistent with the provisions of 28 U.S.C. § 636(b)(1)(B), the case was referred to United States Magistrate Judge Valerie Couch. Judge Couch entered a Report and Recommendation (“R&R”) on June 18, 2010.

In her R&R, Judge Couch correctly found that Petitioner has presented a mixed Petition in that it contains both exhausted and unexhausted claims. As Judge Couch stated, when faced with a mixed Petition, the Court has the option to stay the case pending exhaustion of the unexhausted claims. Judge Couch offered Petitioner the choice of a stay or dismissal of the unexhausted claims. Petitioner has filed a Response to the R&R stating he requests a stay. Petitioner also asks that the Court keep this case open so it may provide oversight to the state proceedings. This request will be denied as the Court has no oversight authority over active state court proceedings.

Accordingly, the Court adopts, in its entirety, the Report and Recommendation of the Magistrate Judge (Dkt. No. 17). This matter will be administratively closed pending the final resolution of the state court proceedings. Petitioner shall file a file-stamped copy of the application for post-conviction relief (requesting an appeal out of time) in the state district court within 30 days of the date of this Order or this case will be dismissed.

IT IS SO ORDERED this 1st day of September, 2010.



ROBIN J. CAUTHRON
United States District Judge